

REMARKS

This Amendment responds to the Office Action mailed on March 25, 2009.

Claims 1-38 remain pending the application and stand rejected. Claims 1, 15, 25, 29, 30, and 38 have been amended herein.

Applicant thanks the Examiner, Jennifer L. Norton, for the courtesies extended to Applicant's representative, David W. Dorton, during the personal interview conducted April 30, 2009. During the interview, independent claim 1 was discussed with respect to the references of record, namely, U.S. Patent No. 6,393,429 to Yagi et al., and U.S. Patent No. 6,679,821 to Numata et al. Specifically, Applicant's representative pointed out the differences between the cited references and the claimed invention, as discussed more fully below. Applicant respectfully requests reconsideration in view of foregoing amendments and the following remarks.

Claims Rejected Under 35 U.S.C. §101

Claim 1 stands rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claim 1 has been amended herein to recite, "An apparatus including a user interface to select a desired rotor from a set of rotors . . ." as suggested by the Examiner in paragraph 3 of the Office Action. Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. §101 be withdrawn.

Claims Rejected Under 35 U.S.C. §103

Claims 1-12, 14-23, 25-36, and 38 stand rejected under 35 U.S.C. §103(a) as

being unpatentable over U.S. Patent No. 6,393,429 to Yagi et al. in view of U.S. Patent No. 6,679,821 to Numata et al. Claims 1, 15, 25, 29, 30, and 38 are the only independent claims of this rejected group. Amended claim 1 is directed to an apparatus including a user interface to select a desired rotor from a set of rotors corresponding to compatible rotors for use during a centrifuge run in a centrifuge device, the user interface comprising:

- a home menu to access a previously selected rotor, the previously selected rotor having a rotor parameter associated therewith; and

- an add menu to add the desired rotor in response to the desired rotor being absent from the home menu, wherein the add menu lists for selection by a user all of the rotors in the set of rotors compatible for use in the centrifuge device;

- the desired rotor having a rotor parameter associated therewith that is utilized during the centrifuge run when the desired rotor is selected. (Emphasis added.)

Applicant asserts that the combination of elements recited in amended claim 1 is not taught or suggested by the references of record. Specifically, Yagi '429 is directed to a file handling device wherein a file menu (51) displays a list (52) of recently accessed folders, or recently accessed files. (See Yagi '429 at col. 8, line 63-col. 9, line 2; col. 9, lines 8-16; and FIG. 6.) FIG. 9(B) of Yagi '429 illustrates a display screen that is invoked when "browse" button (82) is selected, wherein the screen includes a list (84) of recently accessed files, and a folder tree (83) that allows a user to search the folders of the system if the desired file is not one of the recently accessed files. FIG. 14 of Yagi '429 depicts a flowchart of the processes involved in selecting a file in accordance with

the disclosed system. Following the process path S1-S2-S8-S9-S11-S13, it can be seen that the system of Yagi '429 reduces the steps required to open a file when the desired file is included in a list of recently accessed items or a list of pre-specified items, but requires the user to search and find the desired file (using a conventional file tree) when the desired file is not in those lists.

As discussed during the personal interview, when the desired file is not found in the list of recently accessed files, a user must locate in the file tree the appropriate folder containing the desired file and then open the folder to access the desired file. While the Examiner alleges that the secondary list represented in FIG. 9(B) of Yagi '429 includes an add menu that includes a set of files/folders, Applicant notes that these additional menus of Yagi '429 do not list for selection by a user, all of the files or folders of the device. Rather, the user must go outside of the menu to search and locate the desired folder/file via the file tree. Therefore, even if Yagi '429 were combined with Numata '821, as alleged by the Examiner, the combination would not result in the combination of elements recited in claim 1, namely an add menu that "lists for selection by a user all of the rotors in the set of rotors compatible for use in the centrifuge device." (Emphasis added.) For at least this reason, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. §103(a) be withdrawn.

Claims 15, 25, and 29 are also directed to apparatus for selecting a desired rotor from a set of rotors, or a desired option from a set of options. Claims 15 and 25 have been amended to emphasize that the add menu includes a list of all rotors compatible for use in a centrifuge. Claim 29 has been amended to positively recite "the second

subset of options including a remainder of options corresponding to the set of options minus the first subset of options." (Emphasis added.) Claims 15, 25, and 29 are therefore in condition for allowance for at least the same reasons discussed above with respect to claim 1 and Applicant respectfully requests that the rejections of claims 15, 25, and 29 also be withdrawn.

Claims 2-14 each depend from independent claim 1, claims 16-24 each depend from independent claim 15, and claims 26-28 each depend from independent claim 25. Accordingly, each of these claims is in condition for allowance for at least the reasons discussed above for independent claims 1, 15, and 25, and Applicant respectfully requests that the rejections of these claims also be withdrawn.

Claim 30 is directed to a method of providing a user interface for selecting a desired rotor from a set of rotors and has been amended to recite "the add menu listing for selection by a user all of the rotors in a set of rotors compatible for use with a centrifuge device." (Emphasis added.) Claim 38 is directed to a method of selecting an option from a set of options for a centrifuge and has been amended to recite "second subset of options including a remainder of options corresponding to set of options minus the first subset of options." Applicant asserts that claims 30 and 38 are in condition for allowance for at least the same reasons discussed above with respect to independent claim 1. Specifically, Yagi '429 fails to disclose an add menu that lists all of the files in the set of files available on the file handling device, as alleged by the Examiner. The alleged combination of Yagi '429 and Numata '821 therefore would not result in an add menu listing for selection by a user all of the rotors in the set of rotors

compatible for use in a centrifuge device, as set forth in claim 30, or a second subset of options including a remainder of options corresponding to the set of options minus the first subset of options, as set forth in claim 38. For at least these reasons, Applicant respectfully requests that the rejections of claims 30 and 38 be withdrawn.

Claims 31-37 each depend from independent claim 30 and are in condition for allowance for at least the reasons discussed above with respect to claim 30.

Accordingly, Applicant respectfully requests that the rejections of claims 31-37 also be withdrawn.

Conclusion

In view of the foregoing amendments and the remarks set forth herein, Applicant believes this case is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any matter requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the issue may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicant does not believe that any fees are due as a result of this communication. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

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Respectfully submitted,

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